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09/845,421	04/30/2001	Keith Moll	1535	3410

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EXAMINER

LE, HIEU C

ART UNIT PAPER NUMBER

2142

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/845,421

Applicant(s)

MOLL ET AL.

Examiner

Hieu c. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17 is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12-6-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. The amendment filed 5/31/05 have been entered and made of record.
2. The Applicant's argument filed 5/31/05 have been fully considered but they are moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-13, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marran ( US Patent 6,549,770 ) and in view of Thompson et al ( US Patent 5,961,602 ).

As to claim 1, Marran discloses a method of transmitting data to a mobile wireless unit without the need for human intervention, the method comprising:

receiving at least one transmission rule (col. 4; lines 60-62, col. 8, lines 63-65).

establishing in a data storage medium at least one priority data structure that defines the at least one transmission rule, wherein the at least one priority data structure comprises a table selected from the group consisting of assigned to a data download based at least on a number of attempts to transmit the data download to the mobile wireless unit [ compiling data in a working memory (data storage medium), and creating a log of the information data (table) (col. 10, lines 30-33). The information data compiled may keep track of how many time a

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subscriber roams in new areas and uses the information to trigger a download of parameter data that relates to the characteristic of the mobile wireless phone when the user uses his phone three times for example, the system may trigger downloading a new SID (data download) based on the user uses his phone three times (number of times) (col. 13, lines 10–24, col. 14, lines 34–43)].

receiving the data download (col. 14, lines 48–61);

automatically transmitting the data download to the mobile wireless unit in accordance with the at least one transmission rule as defined by the at least one priority data structure (col. 8, lines 52–57, col. 14, lines 34–61).

Marran does not explicitly disclose (ii) an off-peak setting table indicating at least one time range for transmitting the data download to the mobile wireless unit.

Thompson discloses a method for optimizing off peak caching of web data. These servers are preferably identified by a "list" of favorite web sites ( Abstract, col. 2, lines 45–58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Thompson's teachings to modify the method of Marran by off-peak setting table indicating at least one time range for transmitting the data download to the mobile wireless unit in order to provide some mechanism that could optimize retrieval of web content during this limited period of time.

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As to claim 3, refer to claim 1 rejection. Marran further discloses a system for transmitting data to a mobile wireless unit without requiring human intervention, the system comprising, in combination:

- a database (col. 9, lines 3-4);

- a data download stored in the database (Fig. 1; item 27)

- a controller communicatively coupled to the database (Fig. 24, item 25)

As to claim 4, Marran further discloses wherein the at least one priority data' structure comprises a priority mapping table (col. 10, lines 32-33).

As to claim 5, Marran further discloses wherein the at least one priority data structure comprises a resource allocation table (col. 14, lines 7-16).

As to claim 6, Marran further discloses wherein the at least one priority data structure comprises an off-peak settings table (col. 13, lines 51-55)

As to claim 7, Marran further discloses wherein the data download comprises a preferred roaming list (PRL) (col. 14, lines 33-34).

As to claim 8, Marran further discloses comprising a user interface, the user interface being communicatively coupled to the controller, the user interface receiving the at least one transmission rule from a human user and providing the at least one transmission rule to the controller (col. 8, line 63-col. 9, lines 7).

As to claim 9, refer to claim 1 rejection. Marran further discloses a system for downloading data to a mobile wireless unit without the need for human intervention, the system comprising, in combination:

the business logic server being communicatively coupled to the database, the business logic server receiving at least one transmission rule (Fig. 1, item 31); and a network logic server, the network logic server being communicatively coupled to the business logic server (Fig. 1, item 25).

As to claim 10, refer to claim 8 rejection.

As to claim 11, refer to claim 4 rejection.

As to claim 12, refer to claim 6 rejection.

As to claim 13, refer to claim 5 rejection.

As to claim 14, refer to claim 7 rejection.

As to claim 15, refer to claim 9 rejection.

As to claim 16, refer to claim 7 rejection.

### **Claim Rejections - 35 U.S.C. § 103**

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marran

( US Patent 6,549,770 ) in view of Thompson et al ( US Patent 5,961,602 ) as applied to claim 1 and further in view of Wright Jr et al. ( US Patent 5,857,102 )

As to claim 2, neither Marran nor Thompson discloses,

receiving a result message indicative of whether transmission of the data download was successful; extracting a result code from the result message; and storing the result code in a log file.

Wright discloses a method to access existing enterprise data sources on an occasional basis and allow the client to become a direct extension of the operate data sources. Upon connection, this local database is automatically manipulated the FL (FormLogic) sever. The FL server can query the FL client form the client databases so as to make updates to both the client and server databases for reflecting changes that have happened on both sides since the last connection (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Wright's teaching to modify the combined method of Marran and Thompson by receiving a result message indicative of whether transmission of the data download was successful; extracting a result code from the result message and storing the result code in a log file in order to enable users to be automatically updated with the latest version of an application upon connection.

***Allowable Subject Matter***

Claim 17 is allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (571) 272-3897. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Caldwell Andrew, can be reached on (571) 272-3868. The fax phone number for this Group is (571)-273-3897.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Hieu Le

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with the first name "Andrew" and last name "Caldwell" clearly distinguishable.

ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER